

BRIAN KAMEDULA

Name

1200 PRISON ROADLOVELOCK, NEVADA 8941924627

Prison Number

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADABRIAN KAMEDULA

Plaintiff,

vs.

IAN CARR, PAMELA FEILTARA CARPENTER, WILLIAMSANDIE, VALAREE OLIVAS, AGTBAUTISTA (SEE ADDITIONALPAGES FOR OTHER DEFENDANTS).

Defendant(s).

CASE NO. \_\_\_\_\_

(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT

PURSUANT TO

42 U.S.C. § 1983

JURY TRIAL DEMANDED

## A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, BRIAN KAMEDULA,  
(Print Plaintiff's name)

who presently resides at 1200 PRISON ROAD, LOVELOCK, NV 89419, were

violated by the actions of the below named individuals which were directed against

Plaintiff at LCC / LOVELOCK, NEVADA on the following dates  
(institution/city where violation occurred)

4/9/17, 9/25/17, and 10/3/17.  
(Count I) (Count II) (Count III)

9/25/17, AND 5/9/17  
(COUNT IV) (COUNT V)

ADDITIONAL DEFENDANTS.

HAROLD WICKHAM

RENEE BAKER

SAT. COLLIER

C/O FILORIO

DWAYNE BAZE

J. FERRO

RAY EAST

NATE WAKE

DAVID CARPENTER

TIM GARRETT

STEPHEN CLARK

AARON HARROUN

JAMES DZURENDA

ROBERT LEGRAND

ELDON K. MCDANIEL

QUINTIN BYRNE

K. THOMAS

BRIAN SANDOVAL

ADAM LAXALT

BARBARA CEGALUSKE

DOES 1-10 (NDOC PRISON STAFF)

DOES 11-20 (LCC STAFF)

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant IAN CARR <sup>WORKS 100 N. CARSON STREET</sup>  
resides at CARSON CITY, NEVADA 89701  
(full name of first defendant) (address if first defendant)  
and is employed as DEPUTY ATTORNEY GENERAL (DAG). This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: AS A STATE DAG THIS PERSON ACTED OUTSIDE HIS OFFICIAL DUTIES  
TO RETALIATE AGAINST PLAINTIFF BY PROMPTING FALSE DISCIPLINARY CHARGES.

3) Defendant HAROLD WICKHAM <sup>WORKS 5500 SNYDER AVE.</sup>  
resides at CARSON CITY, NEVADA 89701  
(full name of first defendant) (address if first defendant)  
and is employed as DEPUTY DIRECTOR, NDOC. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: THIS PERSON IS RESPONSIBLE FOR UPHOLDING LAWS, REGULATIONS,  
AND POLICIES THAT AFFECT GRIEVANCES AND DISCIPLINARY MATTERS OF INMATES.

4) Defendant RENEE BAKER <sup>WORKS 1200 PRISON ROAD / LCC</sup>  
resides at LOVELOCK, NEVADA 89419  
(full name of first defendant) (address if first defendant)  
and is employed as WARDEN OF LCC. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: AS WARDEN, BAKER IS RESPONSIBLE FOR UPHOLDING LAWS,  
POLICIES, REGULATIONS, FOR RESPONSES TO GRIEVANCES / DISCIPLINARY APPEALS.  
THIS PERSON FAILED TO ACT REASONABLY IN HER DUTIES.

5) Defendant WILLIAM SANDIE <sup>WORKED 1200 PRISON ROAD / LCC</sup>  
resides at LOVELOCK, NEVADA 89419  
(full name of first defendant) (address if first defendant)  
and is employed as ASSOCIATE WARDEN OF LCC. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: AS AN AW, OPERATION IS RESPONSIBLE FOR UPHOLDING LAWS,  
REGULATIONS, POLICIES AND DID ADVOCATE FALSE DISCIPLINARY CHARGES IN  
COLLUSION WITH OTHER AUTHORITIES FOR PUNISHMENT.

Additional Defendant's

6) Defendant, COLLIER, <sup>WORKS</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as C/O SGT.. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS A SGT. COLLIER HAD A DUTY TO UPHOLD LAWS, REGULATIONS AND POLICIES. THAT AS A DISCIPLINARY HEARING OFFICER, USED FALSE CHARGES IN COLLUSION WITH OTHERS TO RETALIATE AND PUNISH.

7) Defendant, FILORIO, <sup>WORKED</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as CORRECTIONAL OFFICER. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

RESPONSIBLE FOR COMPLYING WITH LAWS, REGULATIONS AND POLICIES.

FILORIO CONDUCTED CELL SEARCH FOR UNLAWFUL PURPOSE.

8) Defendant, BAUTISTA, <sup>WORKS</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as ATTORNEY GENERAL INVESTIGATOR. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

BAUTISTA, AS AN AGI ABUSED HIS AUTHORITY TO PROMOTE FALSE DISCIPLINARY CHARGES WITH DAGIAN CARR, TO COLLUDE AND RETALIATE TO PUNISH INMATES.

9) Defendant, DWAYNE BAZE, <sup>WORKS</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as CCS III. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

FAILED TO ENSURE INMATES RIGHTS ARE FAIR AND EQUAL TREATMENT IN RESPONDING TO GRIEVANCES.

Additional Defendant's

10) Defendant, J. FERRO <sup>WORKS</sup> 1200 PRISON ROAD / LCC  
 (full name of def.) , resides at LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as CCS CASEWORKER AT LCC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

RESPONSIBLE FOR ENSURING ALL INMATES ARE FAIRLY TREATED. AS A DISCIPLINARY  
HARRING OFFICER, USED FALSE CHARGES IN COLLUSION WITH OTHERS TO  
RETHINK AND PUNISH.

11) Defendant, PAMELA FEIL <sup>WORKED</sup> 1200 PRISON ROAD / LCC  
 (full name of def.) , resides at LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as LAW LIBRARY SUPERVISOR. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

IS RESPONSIBLE FOR ENSURING INMATES HAVE ACCESS TO THE COURTS. FEIL RETAL-  
LATED AGAINST PLAINTIFF WHEN HE THREATENED TO FILE GRIEVANCE FOR  
HINDERING, IMPEDING AND FRUSTRATING HIS ACCESS TO THE COURTS.

12) Defendant, RAY EAST <sup>WORKS</sup> 1200 PRISON ROAD / LCC  
 (full name of def.) , resides at LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as CCS CASEWORKER AT LCC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS A CASEWORKER, EAST IS RESPONSIBLE FOR RESPONDING TO GRIEVANCES AND IS RESPONSIBLE  
FOR ENSURING INMATES ARE TREATED FAIRLY AND EQUALLY WITH ACCESS TO THE  
COURT, FAILED TO ACT REASONABLY.

13) Defendant, NATE WAKE <sup>WORKS</sup> 1200 PRISON ROAD / LCC  
 (full name of def.) , resides at LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as CORRECTIONAL OFFICER. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

RESPONSIBLE FOR COMPLYING WITH LAWS, REGULATIONS, POLICIES AND  
ALL INMATES ARE TREATED FAIR AND EQUAL UNDER THE LAW.

Additional Defendant's

14) Defendant, TARA CARPENTER, <sup>WORKS</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as ASSOCIATE WARDEN OF LCC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

CARPENTER AS AN AWP IS RESPONSIBLE FOR GRIEVANCES, SCREENING AND PROCESSING. AS AN AWP SHE IS RESPONSIBLE FOR UPHOLDING LAWS, REGULATIONS AND POLICIES AFFECTING INMATES AND FAILED TO ACT REASONABLY.

15) Defendant, DAVID CARPENTER, <sup>WORKS</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as LIEUTENANT AT LCC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS A LIEUTENANT, HAS A DUTY TO UPHOLD LAWS, REGULATIONS AND POLICIES. THIS PERSON COLLUDED WITH AWO TO PROMOTE FALSE CHARGES TO RETALIATE AND PUNISH INMATES

16) Defendant, VALAREE OLIVAS, <sup>WORKED</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as LIEUTENANT AT LCC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

HAS A DUTY TO INVESTIGATE AND AIDING DAS IN CARR. TO ADVOCATE FALSE CHARGES TO PUNISH INMATES IN RETALIATION FOR LEGAL ASSISTANCE. OLIVAS, HAS A DUTY TO UPHOLD THE LAWS, POLICIES, REGULATIONS AND AS A LIEUTENANT CONSPIRED TO RETALIATE.

17) Defendant, TIM GARRETT, <sup>WORKS</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as LCC SHIFT SERGEANT. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS A SERGEANT, GARRETT HAD A DUTY TO UPHOLD LAWS, REGULATIONS AND POLICIES THAT AS A DISCIPLINARY OFFICER, USED FALSE CHARGES IN COLLUSION TO RETALIATE AND PUNISH.

Additional Defendant's

18) Defendant, STEPHEN CLARK, <sup>WORKS</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as C/O LIEUTENANT AT LCC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

HAS A DUTY TO UPHOLD LAWS, POLICIES, REGULATIONS, AND ENSURE ALL INMATES ARE  
 TREATED FAIRLY AND EQUAL UNDER THE LAW.

19) Defendant, ARON HARROUN, <sup>WORKS</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as C/O SGT.. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS A SGT, HARROUN HAD A DUTY TO UPHOLD LAWS, REGULATIONS AND POLICIES THAT  
 AS A DISCIPLINARY OFFICER, USED FALSE CHARGES IN COLLUSION TO RETALIATE AND PUNISH.

20) Defendant, JAMES DZURENDA, <sup>WORKS</sup> 5500 SANDER AVE.,  
 (full name of def.) <sup>resides at</sup> CARSON CITY, NEVADA 89701,  
 (address of def.)

and is employed as DIRECTOR OF NDOC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS A DIRECTOR, DZURENDA IS RESPONSIBLE FOR ALL POLICIES, RULES AND REGULATIONS;  
 AND THE ENFORCEMENT OF SAME INCLUDING ACTIONS OF SUBORDINATES.

21) Defendant, ROBERT LEGRAND, <sup>WORKED</sup> 1200 PRISON ROAD / LCC,  
 (full name of def.) <sup>resides at</sup> LOVELOCK, NEVADA 89419,  
 (address of def.)

and is employed as WARDEN AT LCC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS WARDEN ESTABLISHED A VAGUE REGULATION USED TO PUNISH PLAINTIFF  
 WITHOUT ADEQUATE NOTICE IN VIOLATION OF DUE PROCESS.



Additional Defendant's

22) Defendant, ELDON K. MCDANIEL, <sup>WORKS</sup> 5500 SNYDER AVE, resides at CARSON CITY, NEVADA 89701,  
 (full name of def.) (address of def.)

and is employed as DEPUTY DIRECTOR, NDOC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS DEPUTY DIRECTOR ESTABLISHED A VAGUE REGULATION USED TO PUNISH PLAINTIFF  
WITHOUT ADEQUATE NOTICE IN VIOLATION OF DUE PROCESS

23) Defendant, QUINTIN BYRNE, <sup>WORKS</sup> 5500 SNYDER AVE., resides at CARSON CITY, NEVADA 89701,  
 (full name of def.) (address of def.)

and is employed as ASSOCIATE WARDEN, LCC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS A W ESTABLISHED A VAGUE REGULATION USED TO PUNISH PLAINTIFF  
WITHOUT ADEQUATE NOTICE IN VIOLATION OF DUE PROCESS.

24) Defendant, K. THOMAS, <sup>WORKS</sup> 5500 SNYDER AVE, resides at CARSON CITY, NEVADA 89701,  
 (full name of def.) (address of def.)

and is employed as DEPUTY DIRECTOR, NDOC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

AS A DEPUTY DIRECTOR, THIS PERSON IS RESPONSIBLE FOR UPHOLDING LAWS, POLICIES AND  
REGULATIONS; RENEW GRIEVANCES AND TAKE CORRECTIVE ACTION WHICH  
HE FAILED TO DO.

25) Defendant, BRIAN SANDOVAL, <sup>WORKS</sup> 101 N. CARSON ST. STE 1, resides at CARSON CITY, NEVADA 89701,  
 (full name of def.) (address of def.)

and is employed as BOPC. This defendant is sued  
 (def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

APPROVED OF REGULATIONS USED TO PUNISH PLAINTIFF WITHOUT ADEQUATE  
NOTICE IN VIOLATION OF DUE PROCESS RIGHTS.



Additional Defendant's

26) Defendant, ADAM LAXALT, <sup>WORKS</sup> resides at 100 N. CARSON STREET,  
(full name of def.) CARSON CITY, NEVADA 89419,  
(address of def.)

and is employed as BOPC. This defendant is sued  
(def. position and title, if any)

in his/her ☒ individual ☐ official capacity (check one or both).

Explain how this defendant was acting under color of law:

APPROVED OF REGULATIONS USED TO PUNISH PLAINTIFF WITHOUT ADEQUATE

NOTICE IN VIOLATION OF DUE PROCESS RIGHTS.

27) Defendant, BARBARA CESAUSKE, <sup>WORKS</sup> resides at 101 N. CARSON ST. STE 3,  
(full name of def.) CARSON CITY, NEVADA 89401,  
(address of def.)

and is employed as BOPC. This defendant is sued  
(def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

APPROVED OF REGULATIONS USED TO PUNISH PLAINTIFF WITHOUT ADEQUATE

NOTICE IN VIOLATION OF DUE PROCESS RIGHTS.

28) Defendant, DOES 1-10, <sup>WORKS</sup> resides at 5500 SNYDER AVE,  
(full name of def.) CARSON CITY, NEVADA 89701,  
(address of def.)

and is employed as NDOC PRISON STAFF. This defendant is sued  
(def. position and title, if any)

in his/her ☒ individual ☒ official capacity (check one or both).

Explain how this defendant was acting under color of law:

THESE DEFENDANTS WERE NOTIFIED OF THE CIVIL RIGHTS VIOLATIONS AGAINST

PLAINTIFF AND FAILED TO ACT TO CORRECT THE VIOLATIONS.

\_) Defendant, \_\_\_\_\_, resides at \_\_\_\_\_,  
(full name of def.) (address of def.)

and is employed as \_\_\_\_\_. This defendant is sued  
(def. position and title, if any)

in his/her \_\_\_ individual \_\_\_ official capacity (check one or both).

Explain how this defendant was acting under color of law:



## NATURE OF THE CASE

1. PLAINTIFF'S FIRST CAUSE OF ACTION IS FOR DEFENDANTS HAVING VIOLATED HIS FIRST AMENDMENT RIGHTS BY RETALIATING AGAINST HIM BY IMPOSING FALSE DISCIPLINARY CHARGES FOR EXERCISING HIS RIGHTS OF ACCESS TO THE COURTS,

2. PLAINTIFF'S SECOND CAUSE OF ACTION IS FOR DEFENDANTS HINDERING, IMPEDING, AND/OR FRUSTRATING PLAINTIFF'S ACCESS TO THE COURTS WHEN PLAINTIFF ATTEMPTED TO HAVE EXHIBITS COPIED FOR ATTACHMENT TO A GRIEVANCE AND FOR FILING DOCUMENTS IN HIS STATE CASE. WHEN PLAINTIFF COMPLAINED AND THREATENED TO FILE A GRIEVANCE FOR THE CONDUCT, DEFENDANT RETALIATED AGAINST HIM BY INCREASING HER EFFORTS TO HINDER, IMPEDE AND FRUSTRATE HIS EFFORTS IN FILING GRIEVANCES AND DOCUMENTS WITH THE COURT. DEFENDANT IMPOSED FALSE DISCIPLINARY CHARGES IN ORDER TO CHILL PLAINTIFF'S EFFORTS. LASTLY, DEFENDANTS HAVE ESTABLISHED A POLICY OF NOT COPYING NDOC DOCUMENTS WHICH ARE INTENDED TO BE EXHIBITS ATTACHED TO GRIEVANCES OR USED IN LITIGATION WHICH ONLY SERVES TO ADDITIONALLY IMPEDE, HINDER AND FRUSTRATE ATTEMPTS TO ADDRESS GRIEVANCES AND ACCESS TO THE COURTS.

3. PLAINTIFF'S THIRD CAUSE OF ACTION IS FOR ESTABLISHING REGULATIONS THAT VIOLATE PLAINTIFF'S DUE PROCESS RIGHTS BY FAILING TO PROVIDE ADEQUATE NOTICE OF THE REGULATION.

ALLEGEDLY VIOLATED BEFORE SANCTIONING PLAINTIFF.

## COUNT I

DEFENDANTS RETALIATED AGAINST PLAINTIFF BY IMPOSING FALSE DISCIPLINARY CHARGES TO CHILL PLAINTIFF'S EXERCISE OF FIRST AMENDMENT RIGHTS TO THE U.S. CONSTITUTION. THE CHARGES WERE IMPOSED BECAUSE PLAINTIFF FILED DOCUMENTS OF PUBLIC RECORD IN HIS STATE CASE CAUSING EMBARRASSMENT TO JAN CARR.

### SUPPORTING FACTS:

1. DEFENDANTS CARR, ASSOCIATE WARDEN (AW) TARA CARPENTER, LT. VALAREE OLIVAS, CORRECTIONAL OFFICER (CO) FILORIO, AG INVESTIGATOR BAUTISTA, WARDEN RENEE BAKER, LT. DAVID CARPENTER, SGT. TIM GARRETT, AIN WILLIAM SANDIE, CASEWORKER (CCS) DWAYNE BAZE, DEPUTY DIRECTOR HAROLD WICKHAM, CCS J. FERRO AND SGT. COLLIER VIOLATED PLAINTIFF'S FIRST AMENDMENT RIGHTS WHEN THEY ACTED COLLECTIVELY USING THEIR OFFICIAL POSITIONS TO BRING ABOUT FALSE DISCIPLINARY CHARGES AND/OR ACTIONS TO PUNISH PLAINTIFF AND INMATE JOSEPH ANDERSON NDOC # 62253 FOR ENGAGING IN PROTECTED FIRST AMENDMENT CONDUCT THAT SERVED NO LEGITIMATE GOAL OR PURPOSE AND TO CHILL ALL FUTURE LEGAL ASSISTANCE BY ISSUING A NOTICE OF CHARGES (NOC) AND REMOVING PLAINTIFF

FROM HIS PREFERRED HOUSING AND JOB BY LEVEL REDUCTION AND BEING PLACED IN CONDITIONS OF PUNISHMENT/DENIAL OF PRIVILEGES.

2. PLAINTIFF AT ALL TIMES RELEVANT HERETO, HAD/HAS A CIVIL RIGHTS CASE PENDING AGAINST A NUMBER OF DEFENDANTS EMPLOYED BY THE NDOC AND AT LCC IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, CASE NO. PJ 14-0901 (HEREINAFTER, "STATE CASE"). PLAINTIFF SERVED CARR WITH A DECLARATION THAT WAS FILED IN THE STATE CASE IMPEACHING CARR'S STATEMENTS MADE TO THE COURT. THE DECLARATION INCLUDED TWO DOC-028 REPORTS WHICH WERE PREVIOUSLY FILED BY THE AG'S OFFICE AS EXHIBITS ATTACHED TO A MOTION FOR SUMMARY JUDGMENT IN U.S. DISTRICT COURT CASE NO. 3:16-cv-00056. UPON FILING, THESE DOCUMENTS BECAME A MATTER OF PUBLIC RECORD IN THE FEDERAL CASE.

3. PLAINTIFF'S DECLARATION CAUSED EMBARRASSMENT TO CARR. PLAINTIFF DURING DISCOVERY IN THE STATE CASE REQUESTED THE PRODUCTION OF DOC-028 REPORTS RELEVANT TO THE STATE CASE. CARR AND T. CARPENTER CLAIMED THEY DID NOT EXIST AND DIDN'T KNOW WHAT THEY WERE. THEN WHEN CARR WAS SHOWN WHAT A DOC-028 REPORT WAS, HE CLAIMED THEY WERE CONFIDENTIAL AND WERE NEVER TO BE DISCLOSED TO INMATES UNDER ANY CIRCUMSTANCES. PLAINTIFF'S FILING OF THE DOC-028 REPORTS WITH THE COURT SHOWED THAT CARR AND T. CARPENTER'S REPRESENTATIONS

TO THE COURT WERE FALSE. IN ORDER TO GET EVEN WITH PLAINTIFF, CARR PROVIDED LCC STAFF WITH A COPY OF PLAINTIFF'S DECLARATION WITH THE EXHIBITS (THAT WERE A MATTER OF PUBLIC RECORD) ATTACHED THERETO.

4. BASED ON INFORMATION OR BELIEF, ON OR ABOUT 4/27/17, ANDERSON WAS CALLED TO OPERATIONS AT LCC, WHERE UPON ARRIVAL HE MET WITH OLIVAS, WHO SHOWED ANDERSON A COPY OF PLAINTIFF'S DECLARATION WITH EXHIBITS ATTACHED THERETO. OLIVAS QUESTIONED HOW ANDERSON CAME INTO POSSESSION OF THE EXHIBITS. ANDERSON RESPONDED BY TELLING OLIVAS THEY WERE SERVED ON HIM BY THE AG ATTACHED TO A MOTION FOR SUMMARY JUDGMENT IN HIS FEDERAL CASE. ANDERSON HAS BEEN ALLOWED TO KEEP THE DOC-028 REPORTS IN HIS POSSESSION. ALSO, THERE IS NOTHING TO PREVENT ANDERSON FROM SHOWING OTHER INMATES THE CONTENTS OF THESE DOCUMENTS. IN FACT, INMATES CAN WRITE DOWN VERBATIM WHAT IS WRITTEN ON THE DOCUMENTS AND NOT BE CHARGED WITH AN NOC.

5. ON 5/9/17, PLAINTIFF RETURNED TO HIS CELL TO FIND FILORIO AND BAPTISTA SEARCHING HIS CELL. BAPTISTA TOLD PLAINTIFF THAT THEY WERE SENT BY BAKER TO LOOK FOR DOC-028 REPORTS THAT PLAINTIFF MIGHT HAVE. PLAINTIFF SHOWED BAPTISTA AND FILORIO HIS FILE-STAMPED COPY OF THE DECLARATION AND HOW AT THE TOP OF EACH EXHIBIT IT SHOWED THE DOCUMENTS WERE FILED IN

ANDERSON'S FEDERAL CASE AND THEREFORE DOCUMENTS OF PUBLIC RECORD. BAPTISTA TOOK PLAINTIFF'S DECLARATION TO SHOW TO BAKER AND SAID IT WOULD BE RETURNED LATER. LATER THAT DAY, D. CARPENTER HANDED PLAINTIFF BACK HIS DECLARATION MINUS THE EXHIBITS, ALONG WITH AN UNAUTHORIZED PROPERTY NOTIFICATION (UPN\DOC-1517) FORM SHOWING THE DOC-028 REPORTS WERE CONFISCATED BY BAPTISTA.

6. ON 5/17/17, GARRETT SERVED PLAINTIFF WITH A NOC. THE NOC SHOWED SANDIE WAS CHARGING PLAINTIFF WITH A "FAILURE TO FOLLOW RULES AND REGULATIONS" AND "POSSESSION OF CONTRABAND." SANDIE IS A DEFENDANT NAMED IN PLAINTIFF'S STATE CASE. THE NOC SHOWS THE DISCIPLINARY ACTION TAKEN WAS DIRECTLY RELATED TO THE DOCUMENTS OF PUBLIC RECORD PLAINTIFF FILED IN THE STATE COURT.

7. AT THE INITIAL HEARING GARRETT DISMISSED THE CHARGE OF "FAILURE TO FOLLOW RULES AND REGULATIONS."

8. DEFENDANTS IDENTIFIED IN PARAGRAPHS 1 THRU 7 SHOWS INDIVIDUAL CAPACITY LIABILITY FOR RETALIATING AGAINST PLAINTIFF FOR RECEIVING LEGAL ASSISTANCE FROM ANDERSON WITH HIS STATE CASE. ANDERSON ALSO RECEIVED A NOC (OIC #425492) FOR ASSISTING PLAINTIFF WITH HIS STATE CASE.



9. ON 5/22/17, PLAINTIFF SUBMITTED A GRIEVANCE (2006-30-48114) FOR RETALIATION AND VINDICTIVENESS FOR ENGAGING IN PROTECTED CONDUCT. T. CARPENTER STATED (IN RELATION TO THE GRIEVANCE) THAT PLAINTIFF HAD PENDING DISCIPLINARY CHARGES FOR THE INCIDENT AND THAT PLAINTIFF COULD RAISE HIS ARGUMENTS AT THE DISCIPLINARY HEARING. T. CARPENTER HAD NO INTEREST IN RESOLVING NOR INVESTIGATING THE ISSUE. BAZE, DENIED PLAINTIFF'S GRIEVANCE ON 6/23/17. PLAINTIFF APPEALED THE DENIAL TO THE NEXT LEVEL WHICH BAKER DENIED ON 8/16/17. PLAINTIFF THEN APPEALED TO THE FINAL LEVEL WHICH WICKHAM DENIED ON 10/2/17.

10. PLAINTIFF ALLEGES THAT T. CARPENTER, BAZE, BAKER, AND WICKHAM ACTING IN THEIR OFFICIAL CAPACITIES WHEN REVIEWING GRIEVANCES FAILED TO CORRECT THE ACTIONS OF THE CHARGING EMPLOYEES SANDIE FROM RETALIATING AGAINST PLAINTIFF. THIS ACT OF RETALIATION AND ABUSE OF AUTHORITY RESULTED WHEN CARR NOTIFIED LCC PRISON STAFF THAT PLAINTIFF WAS ASSISTED BY ANDERSON IN HIS LAWSUIT AGAINST SANDIE AND OTHER DEFENDANTS PROVOKING SANDIE TO GET EVEN AND CHARGE BOTH PLAINTIFF AND ANDERSON WITH DISCIPLINARY ACTION IN RETALIATION FOR EMBARRASSMENT WHEN PLAINTIFF FILED IMPENETRABLE DOCUMENTS OF PUBLIC RECORD IN THE STATE ACTION.

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11. ON 6/14/2017, PLAINTIFF HAD A RECORDED DISCIPLINARY HEARING BEFORE D. CARPENTER (T. CARPENTER'S SPOUSE), FERRO AND COLLIER FOR THE NOC CHARGE OF "POSSESSION OF CONTRABAND." PLAINTIFF READ HIS ARGUMENTS INTO THE RECORD AS TO WHY THE DOCUMENTS IN HIS POSSESSION COULD NOT BE CONSIDERED CONTRABAND. PLAINTIFF WAS FOUND NOT GUILTY OF THE "POSSESSION OF CONTRABAND" CHARGE. HOWEVER, THE DEFENDANTS THEN REINSTATED THE "FAILURE TO FOLLOW RULES AND REGULATIONS" CHARGE AND ISSUED A FINDING OF GUILTY. PLAINTIFF WAS VERBALLY REPRIMANDED, AND THEN LEVEL REDUCED ON 6/16/17 LOSING HIS PREFERRED HOUSING, JOB ASSIGNMENT AND PRIVILEGES. THE EVIDENCE CLEARLY SHOWS THAT PLAINTIFF DID NOT VIOLATE ANY REGULATION, (SEE, COURT 5, INFERA).

12. PLAINTIFF APPEALED THE GUILTY FINDING WITH THE FILING OF A FIRST LEVEL GRIEVANCE (2006-30-49661) ON 6/20/17. BAKER, RESPONDED TO PLAINTIFF'S DISCIPLINARY APPEAL ON 7/26/17, UPHOLDING THE DISCIPLINARY COMMITTEE'S GUILTY FINDING. PLAINTIFF APPEALED BAKER'S FINDING TO WICKHAM WHO ALSO DENIED PLAINTIFF'S DISCIPLINARY APPEAL.

13. DEFENDANTS IDENTIFIED IN PARAGRAPHS 9 THRU 12 SHOWS INDIVIDUAL CAPACITY LIABILITY CLAIMS AS THESE DEFENDANTS ACTED TO UPHOLD FALSE DISCIPLINARY CHARGES TO PUNISH PLAINTIFF FOR ENGAGING IN PROTECTED

FIRST AMENDMENT CONDUCT.

14. DEFENDANT CARR'S ACTS OF RETALIATION AGAINST PLAINTIFF OUT OF VINDICTIVENESS AND EMBARRASSMENT FALLS OUTSIDE THE SCOPE OF HIS EMPLOYMENT AS DEPUTY ATTORNEY GENERAL, HIS ACTIONS SERVED NO PENOLOGICAL GOAL OR OBJECTIVE AND CHILLED PLAINTIFF'S ATTEMPTS TO ACQUIRE ASSISTANCE FROM OTHER INMATES WITH HIS STATE CASE. CARR'S ACTIONS SHOW HE IS LIABLE IN HIS INDIVIDUAL CAPACITY.

15. THE ACTION OF DEFENDANTS IDENTIFIED IN PARAGRAPHS 1 THRU 14 ABOVE WERE NOT DONE TO ADVANCE ANY LEGITIMATE CORRECTIONAL GOAL OR PENOLOGICAL INTEREST, BUT TO CHILL PLAINTIFF'S ABILITY TO EXERCISE HIS FIRST AMENDMENT RIGHTS OF ACCESS TO THE COURTS. PLAINTIFF MUST NOW QUESTION EACH AND EVERY EXHIBIT HE SUBMITS TO THE COURTS TO DETERMINE WHETHER OR NOT HE WILL RECEIVE AN NOC FOR PROVIDING THE COURT WITH PROOF OF HIS CLAIMS.

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## COUNT 2

DEFENDANT PAMELA FEIL IMPEDED, FRUSTRATED, AND/OR HINDERED PLAINTIFF'S ACCESS TO THE COURTS IN VIOLATION OF HIS FIRST AMENDMENT RIGHTS OF ACCESS TO THE COURTS AND REDRESS OF GRIEVANCES. WHEN PLAINTIFF THREATENED TO FILE A GRIEVANCE AGAINST FEIL FOR HER ACTIONS, SHE RETALIATED AGAINST PLAINTIFF BY (1) FURTHER ACTS OF IMPEDING ACCESS TO THE COURTS; AND, (2) BY RETALIATING AGAINST PLAINTIFF BY IMPOSING FALSE DISCIPLINARY CHARGES.

### SUPPORTING FACTS:

1. IN ORDER FOR INMATES TO OBTAIN LEGAL COPIES, INMATES MUST SUBMIT A COPYWORK REQUEST TO THE LAW LIBRARY WITH A "BRASS SLIP" ATTACHED FOR PAYMENT.
2. ON 9/25/17, PLAINTIFF SUBMITTED TWO COPYWORK REQUESTS TO THE LCL LAW LIBRARY TO COPY EXHIBITS TO BE FILED IN HIS STATE CASE AND IN A GRIEVANCE. THEY WERE DENIED BY FEIL, STATING PLAINTIFF HAD EXCEEDED HIS COPYWORK LIMIT. PLAINTIFF TOOK FEIL HIS INMATE ACCOUNT STATEMENT SHOWING HE HAD ENOUGH MONEY TO COVER THE COSTS OF THE LEGAL COPYWORK IN HIS INMATE ACCOUNT, AND A COPY OF A COURT TRANSCRIPT SHOWING THE JUDGE ORDERED AN

INCREASE OF THE COPYWORK LIMIT. DESPITE BEING SHOWN THE INMATE ACCOUNT STATEMENT AND THE JUDGE'S ORDER FELT DIRECTED PLAINTIFF TO SEE HIS CASEWORKER, RAY EAST.

3. WHILE PLAINTIFF WAS TALKING WITH EAST, EAST RECEIVED A CALL FROM FELT. PLAINTIFF HEARD EAST STATE TO FELT THAT HE HAD READ THE TRANSCRIPT AND THERE WAS A \$150.00 COPYWORK LIMIT AUTHORIZED BY THE JUDGE. EAST ALSO STATED, I DON'T UNDERSTAND WHY YOU DON'T JUST SUBMIT IT AND LET INMATE BANKING DENY OR APPROVE THE REQUEST. IT'S NOT YOUR (FELT'S) JOB TO DENY HIS REQUEST IT'S INMATE BANKING'S. EAST WAS UNSUCCESSFUL.

4. PLAINTIFF SENT FELT A PRINT REQUEST (PR) DATED 9/26/17 THAT HE HAD A \$150.00 COPYWORK LIMIT BY ORDER OF THE COURT AND \$50.18 IN HIS INMATE TRUST & ACCOUNT. PLAINTIFF SUBMITTED COPYWORK REQUESTS AND BRASS SLIPS. FELT STATED, "W/O PROOF I CAN'T MAKE COPIES AS YOU ARE OVER YOUR \$100.00 LIMIT", AND AGAIN DENIED THE COPYWORK REQUESTS.

5. ON 9/27/17, PLAINTIFF SUBMITTED ANOTHER (PR) TO FELT WITH COPYWORK REQUEST AND BRASS SLIPS. PLAINTIFF SUMMARIZED WHAT HAPPENED THE DAY BEFORE AND TOLD FELT IF NEEDED BE, SHE SHOULD

CONTACT CARR AND/OR T. CARPENTER AS THEY KNEW OF THE \$150.00 COPYWORK LIMIT. PLAINTIFF ALSO TOLD FEIL IF SHE CANNOT RESOLVE THIS ISSUE WITH INMATE BANKING, EAST, T. CARPENTER, AND CARR HE WOULD HAVE NO CHOICE BUT TO FILE A GRIEVANCE FOR DENYING/DELAYING HIS LITIGATION.

6. AFTER PLAINTIFF TOLD FEIL HE WOULD HAVE TO FILE A GRIEVANCE, FEIL CALLED PLAINTIFF IN HIS UNIT (CO NATE WAKE MONITORED THE CALL). FEIL SAID WITHOUT PROOF SHE COULDN'T DO ANYTHING. PLAINTIFF TOLD FEIL HE SHOWED HER PROOF THE DAY BEFORE. FEIL TOLD PLAINTIFF TO BRING IT TO THE LAW LIBRARY DURING UNIT DOOR CALL. FEIL HAD INMATE TODD BEVERLY, NDOC# 79982, COPY THE TRANSCRIPT SHOWING JUDGE JIM C. SHIRLEY ORDERED THE COPYWORK LIMIT INCREASED TO \$150.00.

7. ON 9/28/17, PLAINTIFF'S COPYWORK REQUESTS WERE RETURNED TO PLAINTIFF DENIED. FEIL CLAIMED PLAINTIFF DID NOT ATTACH A BRASS SLIP. PLAINTIFF ONCE AGAIN SUBMITTED THE COPYWORK REQUESTS WITH BRASS SLIPS FOR PROCESSING. PLAINTIFF FINALLY RECEIVED HIS COPYWORK ON 9/29/17.

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8. ON 10/3/17, PLAINTIFF SUBMITTED VIA COPYWORK REQUEST AND BRASS SLIP EXHIBITS TO BE ATTACHED TO A GRIEVANCE AS PROOF OF COSTS INCURRED BY PLAINTIFF. AFTER FEIL REVIEWED PLAINTIFF'S EXHIBITS, SHE DENIED THE REQUEST STATING "ATTEMPTING TO ALTER NDOC FORM" THEREBY IMPAIRING PLAINTIFF'S RIGHT TO REDRESS OF GRIEVANCES. PLAINTIFF RESUBMITTED THE EXHIBITS FOR COPYING AGAIN ON 10/5/17. AGAIN FEIL DENIED THE COPYWORK REQUEST STATING "NOT A NEW CASE - NEED GRIEVANCE # OR SOMETHING." PLAINTIFF HAD INDICATED ON THE COPYWORK REQUEST THAT IT WAS FOR NEW LITIGATION AND NO CASE NUMBER WAS REQUIRED. PLAINTIFF THEN SENT A LETTER TO FEIL ASKING HER TO EXPLAIN HER REASONS FOR DENYING PLAINTIFF'S COPYWORK REQUESTS AND ADVISED FEIL THAT HE WAS TRYING TO FILE A GRIEVANCE WITHIN THE TIME FRAME OF AR 740. PLAINTIFF SUBMITTED ANOTHER COPYWORK REQUEST ON 10/9/17 IN AN ATTEMPT TO COPY THE EXHIBITS ONCE AGAIN. THIS TIME FEIL CLAIMED THE PAGE NUMBERS TO BE COPIED WERE INCORRECT. EVENTUALLY PLAINTIFF WAS ABLE TO GET SOME OF HIS EXHIBITS COPIED (BRASS SLIPS) ON 10/10/17. FEIL REFUSED TO APPROVE PLAINTIFF'S OTHER EXHIBITS (CARBON COPIES OF COPYWORK REQUESTS PREVIOUSLY SUBMITTED FOR COPYING). THE POLICY OF NOT COPYING NDOC FORMS IMPEDES, HINDERS AND FRUSTRATES INMATES ABILITY TO COLLECT EVIDENCE



FOR REDRESS OF GRIEVANCES AND POTENTIAL FUTURE LITIGATION. THE NDOC CLAIMS SUCH DOCUMENTS (COPYWORK REQUESTS, AND PRINT REQUESTS) ARE PROPERTY OF THE STATE AND COPIES CANNOT BE HAD UNLESS REQUESTED IN LITIGATION BY DISCOVERY OR A COURT ORDER. FURTHER, CARBON COPIES OF SUCH DOCUMENTS WILL NOT BE COPIED IN ORDER TO PREVENT INMATES FROM COLLECTING EVIDENCE OF WRONG DOING. THIS POLICY PREVENTED PLAINTIFF FROM OFFERING PROOF OF COSTS ASSOCIATED WITH THE FILING OF HIS GRIEVANCE NO. 2006-30-55884 WHICH WAS ULTIMATELY REJECTED. THIS POLICY DOES NOT ADVANCE ANY INSTITUTIONAL GOAL OR ANY PENOLOGICAL INTEREST.

9. FELT TOOK ADVERSE ACTION AGAINST PLAINTIFF FOR THREATENING TO FILE A GRIEVANCE AGAINST HER AS SHOWN IN PARAGRAPHS 1 THRU 8 ABOVE. FELT RETALIATED BY IMPEDING, HINDERING, AND/OR FRUSTRATING PLAINTIFF'S ATTEMPTS OF ACCESS OF THE COURTS AND FILING OF GRIEVANCES. FELT'S ADVERSE ACTIONS SERVED NO LEGITIMATE PENOLOGICAL INTEREST AND WERE DONE TO CHILL PLAINTIFF'S EXERCISE OF HIS FIRST AMENDMENT RIGHTS. FURTHER, FELT (NOT BEING AN ATTORNEY) IS UNQUALIFIED TO DETERMINE THE LEGAL SUFFICIENCY OF DOCUMENTS ULTIMATELY BOUND FOR FILING WITH THE COURTS.

10. FEIL'S ACTIONS SHOW SHE IS LIABLE IN HER INDIVIDUAL CAPACITY.

11. DEFENDANTS BRIAN SANDOVAL, ADAM LAVALT, BARBARA CEGANUSKE (COLLECTIVELY BOPC), JAMES DZURENDA, ELDON K. MCDANIEL, K. THOMAS, QUINTIN BYRNE, HAROLD WICKHAM, AND RENEE BAKER ARE RESPONSIBLE FOR ESTABLISHING A POLICY OF NOT ALLOWING INMATES TO OBTAIN COPIES OF EXHIBITS (NDOC DOCUMENTS) WHICH CAN BE USED AGAINST THEM DURING THE GRIEVANCE PROCESS AND LITIGATION.

12. THE ACTIONS OF DEFENDANTS IDENTIFIED IN PARAGRAPHS 1 THRU 11 OF THIS COUNT WERE NOT DONE TO FURTHER ANY PENOLOGICAL INTEREST. DEFENDANTS ACTIONS WERE DESIGNED TO CHILL PLAINTIFF'S EFFORTS TO REDRESS OF GRIEVANCES AND LITIGATION THROUGH THE COURTS. PLAINTIFF MUST NOW QUESTION EVERY DOCUMENT HE SUBMITS TO BE COPIED AS TO WHETHER OR NOT THE LAW LIBRARY SUPERVISOR WILL REVIEW THE DOCUMENTS HE INTENDS TO ATTACH AS EXHIBITS TO GRIEVANCES AND COURT PLEADINGS AND MAKE A DETERMINATION AS TO THEIR SUFFICIENCY UNDER THE STATE AND FEDERAL RULES OF EVIDENCE.

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### COUNT 3

DEFENDANT FEIL RETALIATED AGAINST PLAINTIFF FOR THREATENING TO FILE A GRIEVANCE FOR IMPEDING, FRUSTRATING, AND/OR HINDERING ACCESS TO THE COURTS BY FILING FALSE DISCIPLINARY CHARGES AGAINST PLAINTIFF (TWICE). THE OTHER DEFENDANTS KNEW OF FEIL'S ACTIONS AND TOOK NO ACTION TO CORRECT THE CONDUCT.

#### SUPPORTING FACTS:

1. DEFENDANT FEIL TOOK UNWARRANTED RETALIATORY ACTION BY FILING FALSE DISCIPLINARY CHARGES AGAINST PLAINTIFF AFTER REVIEWING DOCUMENTS PLAINTIFF WAS TO SUBMIT AS EVIDENCE IN CONNECTION WITH THE FILING OF GRIEVANCES IN SUPPORT OF CLAIMS IN HIS STATE CASE. GARRETT, WAKE, LT. STEPHEN CLARK, OLIVAS, EAST, CARR AND SGT. ARON HARBOUN WERE AWARE OF FEIL'S CONDUCT THROUGH DISCIPLINARY PROCEEDINGS AND GRIEVANCES AND TOOK NO ACTION TO CORRECT THE UNCONSTITUTIONAL CONDUCT.

2. ON 10/3/17, PLAINTIFF IN ORDER TO PROVE COSTS, SUBMITTED CARBON COPIES OF COPYWORK REQUESTS AND BRASS SLIPS WHICH WERE TO BE ATTACHED AS

EXHIBITS TO A GRIEVANCE. FEIL RETALIATED AGAINST PLAINTIFF (FOR THREATENING TO FILE A GRIEVANCE AGAINST HER) (SEE, COUNT 2, ABOVE) BY REVIEWING EXHIBITS, DENYING PLAINTIFF'S COPYWORK REQUEST AND DETERMINING THAT PLAINTIFF WAS "ATTEMPTING TO ALTER DOC FORM" THEREBY ABRIDGING AND IMPAIRING PLAINTIFF'S ABILITY TO ATTACH EXHIBITS TO A GRIEVANCE.

3. ON 10/4/17 FEIL RETALIATED AGAINST PLAINTIFF (FOR THREATENING TO FILE A GRIEVANCE AGAINST HER) BY FILING A FALSE DISCIPLINARY CHARGE FOR "COUNTERFEITING". (SEE, COUNT 2, PARAGRAPH 5 ABOVE). PLAINTIFF WAS SERVED WITH THE NOC ON 10/11/17 BY GARRETT. IN THE NOC, FEIL STATED THAT PLAINTIFF "WAS ATTEMPTING TO ALTER THE CONSTRUCTION AND FUNCTION OF THE ORIGINAL DOC.3064". CLARK FOUND THAT PLAINTIFF DID "NOT APPEAR TO HAVE TRIED TO CHANGE ANY DOC FORMS", AND DISMISSED THE CHARGE.

4. ON 11/6/17, PLAINTIFF SUBMITTED 428 PAGES OF EXHIBITS TO SUPPORT HIS STATEMENT OF UNDISPUTED FACTS IN HIS STATE CASE TO THE LAW LIBRARY FOR COPYING. NORMALLY COPYWORK IS PROCESSED THE SAME DAY AND RETURNED TO THE INMATE THE FOLLOWING DAY. WHEN PLAINTIFF STILL HAD NOT

RECEIVED HIS COPYWORK TWO DAYS LATER, HE SENT A PR TO FEIL, ASKING FEIL TO INFORM HIM OF THE STATUS AND WHEN WILL HE RECEIVE HIS COPYWORK.

5. ON 11/9/17, PLAINTIFF'S DOCUMENTS WERE RETURNED TO HIM THROUGH THE UNIT LAW CLERK, WRIGHT. THE DOCUMENTS WERE ALTERED FROM THE WAY THEY WERE PROVIDED FOR COPYING, AND ONE DOCUMENT WAS MISSING. THE REQUEST FOR COPYING WAS DENIED BY FEIL, STATING "ALTERING PAPERWORK". UPON RECEIPT OF PLAINTIFF'S DOCUMENTS, PLAINTIFF IMMEDIATELY WENT TO WAKE COMPLAINING ABOUT THE WAY HIS LEGAL DOCUMENTS WERE RETURNED TO HIM. WAKE ALLOWED PLAINTIFF TO REMAIN ON THE TIER WHILE HE CALLED TO SEE IF HE COULD FIND A STAFF MEMBER TO VERIFY PLAINTIFF'S COMPLAINTS OF HOW THE DOCUMENTS WERE RETURNED ALTERED, DAMAGED, MIXED UP AND OUT OF ORDER, AND ONE DOCUMENT WAS MISSING. NO ONE COULD BE FOUND.

6. AT 8:00 AM. PLAINTIFF WENT TO OPERATIONS WITH THE 428 PAGES OF EXHIBITS. PLAINTIFF MET WITH CLARK TO ADDRESS THE ISSUES WITH HIS COPYWORK. PLAINTIFF ALSO ADVISED CLARK THAT HE HAS BEEN HAVING ISSUES WITH FEIL SINCE 9/27/17 AND EXPLAINED TO CLARK ALL THE PROBLEMS

HE WAS HAVING WITH FEIL, CLARK THEN LEFT FOR ABOUT 5 MINUTES AND UPON HIS RETURN, HE STATED THAT HE HAD DISCUSSED PLAINTIFF'S ISSUES WITH OLIVAS, WHO ADVISED CLARK THAT SHE HAD SPENT THREE HOURS WITH FEIL VIDEO-RECORDING WHAT FEIL DID TO PLAINTIFF'S DOCUMENTS. PLAINTIFF TOLD CLARK THAT OLIVAS AND FEIL WERE RETALIATING AGAINST HIM. PLAINTIFF ASKED CLARK TO ALLOW HIM TO SPEAK WITH T. CARPENTER, BUT CLARK REFUSED. PLAINTIFF WENT TO EAST TO SHOW WHAT WAS DONE TO HIS DOCUMENTS, BUT EAST IGNORED PLAINTIFF'S COPYRIGHT ISSUES. AT APPROXIMATELY 10:40 A.M., PLAINTIFF WAS TOLD BY WAKE TO GO SEE CLARK. PLAINTIFF TOOK HIS DOCUMENTS AGAIN WITH HIM TO SEE CLARK. PLAINTIFF SHOWED CLARK WHY HE KNEW A DOCUMENT WAS MISSING AND HOW THE DOCUMENTS WERE PRESENTED AND THEN DAMAGED BY FEIL. CLARK DISMISSED PLAINTIFF WITH THE UNDERSTANDING THAT HE WOULD GET BACK TO PLAINTIFF AT A LATER TIME, WHICH HE FAILED TO DO.

7. PLAINTIFF SENT A LETTER TO CARR ON 11/13/17 ADDRESSING FEIL'S REFUSAL TO COPY PLAINTIFF'S EXHIBITS. PLAINTIFF ALSO SUBMITTED A KITE TO FEIL STATING THAT SHE HAD DENIED THE COPYING OF THE 428 DOCUMENTS, AND ASKING "HOW DO I GO ABOUT

GETTING THESE DOCUMENTS COPIED AND MAILED OUT?" PLAINTIFF ALSO PROVIDED A COPY OF THE LETTER HE SENT TO CARR DATED 11/13/17. LASTLY, PLAINTIFF ASKED FEIL NOT TO DESTROY ANY OF THE COPIES THAT WERE MADE, OR ANY RECORDINGS OF HER ACTIONS OR ANYONE ELSE'S ACTIONS RELATING TO THE 11/6/17 COPYWORK REQUEST, AS IT WOULD BE SUBPOENAED IN FUTURE LITIGATION. FEIL DID NOT EXPLAIN HOW PLAINTIFF WAS TO OBTAIN LEGAL COPIES, BUT SIMPLY RESPONDED BY STATING, "NOTED."

8. ON 11/17/17, HARROUN SERVED PLAINTIFF WITH A NOC, WRITTEN BY FEIL ON 11/8/17, CHARGING PLAINTIFF WITH "COUNTERFEITING... APPROXIMATELY 20 PAGES" OF THE 428 DOCUMENTS SUBMITTED FOR COPYING. ON 12/15/17 A DISCIPLINARY HEARING WAS HELD BEFORE THE DISCIPLINARY COMMITTEE. CLARK, CCS PATER, AND CO LIMA, DETERMINED THERE WAS NO VIOLATION. THE CHARGES WERE DISMISSED.

9. THE EXHIBITS WERE ULTIMATELY COPIED AND FILED ON 8/28/18 (9 MONTHS LATER) WITH THE 11TH JUDICIAL DISTRICT COURT, CASE NO. PJ14-0901, TITLED "PLAINTIFF'S INDEX OF EXHIBITS" WHICH CAN BE VIEWED ON THE INTERNET AT [WWW.NDOC.MALTTREATMENT.EPIZY.COM](http://WWW.NDOC.MALTTREATMENT.EPIZY.COM). NONE OF THE COPYWORK REQUESTS RESUBMITTING THE



428 PAGES WERE REJECTED FOR COUNTERFEITING THE SECOND TIME AROUND.

10. DEFENDANTS EAST, CLARK, WAKE, OLIVAS, GARRETT, HARBOUN AND CARR ARE BEING SUED IN THEIR INDIVIDUAL CAPACITIES. THESE DEFENDANTS WERE NOTIFIED OF FEIL'S RETALIATORY CONDUCT DURING DISCIPLINARY PROCEEDING AND VIA LETTER TO CARR. THESE DEFENDANTS TURNED A BLIND EYE AND FAILED TO TAKE CORRECTIVE ACTION WHEN THEY REALIZED PLAINTIFF'S CIVIL RIGHTS WERE BEING VIOLATED.

11. DEFENDANTS CCS J. FERRO, T. CARPENTER, BAKER AND K. THOMAS ACTING IN THEIR CAPACITIES WHEN REVIEWING GRIEVANCES FAILED TO CORRECT THE ACTIONS OF FEIL FROM RETALIATING AGAINST PLAINTIFF.

12. THE ACTIONS OF THE DEFENDANTS IDENTIFIED IN PARAGRAPHS 1 THRU 11 OF THIS COUNT WERE NOT DONE TO ADVANCE ANY PENOLOGICAL PURPOSE. DEFENDANTS ACTIONS WERE DONE TO CHILL PLAINTIFF'S EFFORTS OF ACCESS TO THE COURTS BY FILING OF GRIEVANCES AND EXHIBITS TO BE USED AGAINST PRISON STAFF IN THE STATE CASE.

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#### COUNT 4

DEFENDANTS ACTIONS AS DESCRIBED IN COUNTS 2 AND 3, CUMULATIVELY, SHOW FEIL RETALIATED AGAINST PLAINTIFF FOR THREATENING TO FILE A GRIEVANCE.

#### SUPPORTING FACTS:

1. PLAINTIFF INCORPORATES EACH AND EVERY ALLEGATION IN COUNTS 2 AND 3 ABOVE, INTO THE INSTANT COUNT AS THOUGH FULLY SET FORTH HEREIN.

2. ON 12/17/17, PLAINTIFF SENT A KITE TO OLIVAS ATTEMPTING TO GET THE MISSING DOCUMENT FEIL AND OLIVAS FAILED TO RETURN WITH 428 PAGES SUBMITTED FOR COPYING. RATHER THAN INVESTIGATING PLAINTIFF'S CLAIM, OR ATTEMPTING TO REPLACE THE DOCUMENT THROUGH CARR AS PLAINTIFF ATTEMPTED TO DO, OLIVAS RESPONDED BY SAYING "THERE ARE NO MISSING DOCUMENTS." SINCE CARR ALSO REFUSED TO REPLACE THE LOST DOCUMENT, PLAINTIFF HAD TO PROCEED FORWARD WITHOUT THE DOCUMENT.

3. AS A RESULT OF FEIL'S RETALIATION BY THE FILING OF FALSE DISCIPLINARY CHARGES, PLAINTIFF'S ELIGIBILITY TO MOVE FROM LEVEL 2 TO LEVEL 1 WAS DELAYED THEREBY PUNISHING PLAINTIFF AND DEPRIVING

PLAINTIFF OF PRIVILEGES AND PREFERRED HOUSING THAT COMES WITH BEING A LEVEL 1 INMATE.

4. ON 2/19/18, PLAINTIFF SUBMITTED A GRIEVANCE (2006-30-61501) AGAINST FEIL FOR FILING FALSE DISCIPLINARY CHARGES AND FOR DELAYING, IMPEDING, HINDERING, DENYING, AND/OR FRUSTRATING PLAINTIFF'S ATTEMPTS TO LITIGATE HIS STATE CASE AND THE FILING OF GRIEVANCES.

5. DEFENDANT FEIL IS BEING SUED IN HER INDIVIDUAL CAPACITY FOR HER CUMULATIVE RETALIATORY ACTS AS ALLEGED IN PLAINTIFF'S SECOND CAUSE OF ACTION, AND COUNTS 2 AND 3 COMBINED.

6. DEFENDANTS CARR, EAST, WAKE, FERRO, T. CARPENTER, BAKER, AND K. THOMAS WERE NOTIFIED THAT FEIL WAS RETALIATING AGAINST PLAINTIFF IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS EITHER VERBALLY, IN WRITING, OR THROUGH THE GRIEVANCE PROCESS AND FAILED TO REMEDY THE WRONG.

7. DEFENDANTS HARROUN AND GARRETT WERE NOTIFIED THAT FEIL WAS RETALIATING AGAINST PLAINTIFF IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS THROUGH THE DISCIPLINARY PROCESS AND FAILED TO REMEDY THE WRONG WHEN THE CHARGES AGAINST

PLAINTIFF WERE DISMISSED AFTER A DISCIPLINARY HEARING.

8. THE ACTIONS OF EACH DEFENDANT IDENTIFIED IN COUNTS 2, 3, AND THE INSTANT COUNT WERE NOT DONE TO ADVANCE ANY PETIOLOGICAL INTEREST, BUT TO CHILL PLAINTIFF'S ABILITY TO REDRESS OF GRIEVANCES AND ACCESS TO THE COURTS.

### COUNT 5

DEFENDANTS VIOLATED PLAINTIFF'S FOURTEENTH AMENDMENT RIGHTS TO DUE PROCESS BY FAILING TO PROVIDE FAIR NOTICE OF A RULE BEFORE SANCTIONING PLAINTIFF.

### SUPPORTING FACTS:

1. DEFENDANTS BRIAN SANDOVAL, ADAM LAKALI, BARBARA CEGAUSKE (COLLECTIVELY BOPC), DZURENDA, BYRNE, MCDANIEL, LEGRAND, WICKHAM, BAKER, SANDIE, T. CARPENTER, D. CARPENTER, GARRETT, COLLIER, AND FERRO VIOLATED PLAINTIFF'S RIGHTS BY ESTABLISHING / ENFORCING A RULE WHICH FAILED TO PROVIDE PLAINTIFF WITH ADEQUATE NOTICE BEFORE BEING SANCTIONED IN VIOLATION OF DUE PROCESS. AS ALLEGED IN COUNT 1 ABOVE, DEFENDANTS RETALIATED AGAINST PLAINTIFF BY FILING FALSE DISCIPLINARY CHARGES TO CHILL PLAINTIFF'S

EXERCISING OF HIS FIRST AMENDMENT RIGHTS. THE DISCIPLINARY CHARGES BROUGHT AGAINST PLAINTIFF VIOLATED PLAINTIFF'S DUE PROCESS RIGHTS BY FAILING TO PROVIDE ADEQUATE NOTICE OF THE REGULATION ALLEGEDLY VIOLATED BEFORE SANCTIONING PLAINTIFF.

2. ON 1/6/17, PLAINTIFF GRANTED PERMISSION FOR ANDERSON TO BE IN POSSESSION OF HIS LEGAL WORK WHILE ANDERSON WAS ASSISTING HIM WITH HIS STATE CASE, (EXHIBIT 1). ON 2/10/17 CARR SENT A LETTER TO PLAINTIFF STATING THAT THE DOC-028 REPORTS PLAINTIFF WAS SEEKING IN HIS STATE CASE THROUGH DISCOVERY "ARE NOT FOR INMATE DISCLOSURE UNDER ANY CIRCUMSTANCE." ON 4/9/17 ANDERSON GAVE PERMISSION TO PLAINTIFF TO HAVE POSSESSION OF HIS LEGAL WORK WHILE PLAINTIFF WAS ASSISTING HIM WITH HIS FEDERAL CASE (EXH. 2). WHILE PLAINTIFF WAS ASSISTING ANDERSON HE NOTICED TWO DOC-028 REPORTS WHICH THE AG ATTACHED AS EXHIBITS TO A MOTION FOR SUMMARY JUDGMENT IN ANDERSON'S FEDERAL CASE. WITH ANDERSON PERMISSION, PLAINTIFF ATTACHED THE COPIES OF THE DOC-028 REPORTS TO HIS DECLARATION AND FILED IT IN THE STATE CASE TO SHOW SUCH REPORTS COULD BE DISCLOSED.

3. PLAINTIFF INCORPORATES INTO THIS COUNT EACH OF THE ALLEGATIONS ASSERTED IN COUNT 1 ABOVE AS THOUGH FULLY SET FORTH HEREIN.

4. DEFENDANTS MCDANIEL, LEGRAND, BAKER, SANDIE, BYRNE AND T. CARPENTER ESTABLISHED LCC'S PRISON OPERATIONAL PROCEDURE (OP) 722. OP 722.07 STATES IN PERTINENT PART:

"1. INMATES MAY ASSIST EACH OTHER IN THE PREPARATION OF LEGAL DOCUMENTS..."

2. LEGAL OPINIONS, BOOKS, PAPERS AND FORMS USED BY ONE INMATE TO ASSIST ANOTHER MAY BE IN POSSESSION OF THE INMATE GIVING ASSISTANCE, WITH WRITTEN PERMISSION OF THE OWNER VIA FORM 34.007.

A COPY MUST BE PROVIDED TO THE LAW LIBRARY SUPERVISOR." (EXHIBIT 1, AT 4).

5. BOTH PLAINTIFF AND ANDERSON GAVE EACH OTHER PERMISSION TO BE IN POSSESSION OF EACH OTHER'S LEGAL WORK. PLAINTIFF GRANTED ANDERSON PERMISSION ON 1/6/17; AND ANDERSON GRANTED PLAINTIFF PERMISSION ON 4/9/17 USING FORM 34.007. (EXH. 1 & 2, RESPECTIVELY).

6. OP 722 INDICATES THAT A COPY OF THE WRITTEN PERMISSION MUST BE PROVIDED TO THE LAW LIBRARY SUPERVISOR. HOWEVER, NEITHER THE REGULATION NOR THE FORM INDICATE WHEN THE COPY IS TO BE PROVIDED. THE FORM SHOWS THAT IT IS TO BE FILLED OUT AND THEN EACH INMATE IS TO SIGN THE FORM. THE LAST PART OF THE FORM TO BE FILLED OUT PROVIDES FOR THE SIGNATURE OF THE INMATE (WHO GRANTED PERMISSION) ONCE HIS CASE

MATERIALS ARE RETURNED TO HIM. THE VERY LAST THING ON THE DOCUMENT STATES " \*\* PER OP 722 A COPY MUST BE PROVIDED TO THE LAW LIBRARY SUPERVISOR," (SEE, EXH. 142 ).

7. PLAINTIFF AND ANDERSON INTERPRETED THE REGULATION AND THE STATEMENT ON THE FORM TO MEAN ONCE THE FORM WAS COMPLETED. THE BASIS FOR THIS INTERPRETATION IS THAT THE DIRECTIVE OF PROVIDING A COPY TO THE LAW LIBRARY SUPERVISOR DOES NOT APPEAR AFTER THE SIGNATURES GRANTING PERMISSION TO BE IN POSSESSION, BUT RATHER AFTER THE SIGNATURE SHOWING THE RETURNING OF THE CASE FILES. HENCE IT WAS PLAINTIFF'S BELIEF THAT A COPY WAS TO BE PROVIDED ONCE THE FORM WAS COMPLETED AND ALL SIGNATURES HAD BEEN OBTAINED.

8. DEFENDANTS MCDANIEL, LEGRAND, BAKER, BYRNE, SANDIE, AND T. CARPENTER ESTABLISHED A RULE THAT IS VAGUE AS APPLIED BY NOT GIVING ADEQUATE NOTICE THAT IT PROHIBITS THE CONDUCT WITH WHICH PLAINTIFF WAS CHARGED. FURTHER, OP 722 FRUSTRATES INMATES ABILITY TO ASSIST EACH OTHER IN THE PREPARATION OF THEIR LEGAL DOCUMENTS AND THE FIRST AMENDMENT RIGHTS TO ACCESS TO THE COURTS WHICH SERVES NO PENOLOGICAL INTEREST.

9. DEFENDANTS SANDIE, GARRETT, D. CARPENTER, FERRO



AND COLLIER VIOLATED DUE PROCESS BY SANCTIONING PLAINTIFF WITHOUT PROVIDING HIM FAIR NOTICE OF A RULE THAT HIS CONDUCT WAS PROHIBITED.

10. DEFENDANTS SANDOVAL, LAXALT, CEGAVSKE AND DZURENDA ESTABLISHED AR 707. AR 707 STATES IT IS A VIOLATION FOR INMATES TO BE IN "POSSESSION OF CONTRABAND". CONTRABAND IS DEFINED IN THE AR'S AS:

"ANY ITEM OR ARTICLE OF PROPERTY THAT POSES A SERIOUS THREAT TO THE SECURITY OF AN INSTITUTION AND ORDINARILY NEVER APPROVED FOR POSSESSION OR ADMISSION INTO THE INSTITUTION"; AND, "ANY ITEM OR ARTICLE NOT AUTHORIZED BY DEPARTMENT REGULATION".

11. PLAINTIFF WAS CHARGED FOR BEING IN POSSESSION OF CONTRABAND. HOWEVER, THE FACT THAT ANDERSON HAS BEEN ALLOWED TO POSSESS THESE DOCUMENTS SHOWS THEY CANNOT BE CONSIDERED A THREAT TO THE SECURITY OF THE INSTITUTION OR AN ITEM NOT AUTHORIZED BY DEPARTMENT REGULATIONS. FURTHER, THIS RULE CANNOT BE APPLIED TO LEGAL PAPERS WHICH PLAINTIFF IS AUTHORIZED TO BE IN POSSESSION OF.

12. DEFENDANTS SANDIE, GARRETT, D. CARPENTER, COLLIER, FERRO, T. CARPENTER, BAKER, AND WICKHAM VIOLATED DUE PROCESS BY SANCTIONING PLAINTIFF WITHOUT PROVIDING

HIM FAIR NOTICE OF A RULE THAT HIS CONDUCT WAS PROHIBITED.

13. DEFENDANTS CLAIMED THE DOCUMENTS PLAINTIFF HAD IN HIS POSSESSION WERE CONFIDENTIAL, YET THEY HAVE BEEN FILED WITH THE COURT AND MADE A MATTER OF PUBLIC RECORD FOR THE ENTIRE NATION TO SEE. THEY WERE NOT FILED IN-CAMERA SO AS TO MAINTAIN CONFIDENTIALITY.

14. DEFENDANTS ALSO CLAIM THE DOCUMENTS ARE THE PROPERTY OF THE STATE. DEFENDANTS ARE APPLYING THIS CLAIM ONLY TO PLAINTIFF. COURTS IN NEVADA ROUTINELY PROVIDE INMATES WITH FILE-STAMPED COPIES OF DOCUMENTS CONTAINING EXHIBITS ORIGINATING FROM THE NDOC. DEFENDANTS HAVE NOT CONFISCATED THOSE DOCUMENTS. IN RESPONSE TO DISCOVERY THE STATE ROUTINELY OBJECTS TO PROVIDING DOCUMENTS THAT CAN BE OBTAINED THROUGH THE COURTS AS A MATTER OF PUBLIC RECORD. IT IS CLEAR THAT DEFENDANTS HAVE SINGLED OUT PLAINTIFF BASED ON RETALIATION AND VINDICTIVENESS FOR EXERCISING HIS RIGHTS OF ACCESS TO THE COURTS AND <sup>NOT</sup> FOR ANY RELATIVE PENOLOGICAL INTEREST.

15. DEFENDANTS FAILED TO PROVIDE PLAINTIFF WITH FAIR AND ADEQUATE NOTICE THAT HE COULD BE CHARGED FOR THE CONDUCT WHICH HE WAS ENGAGED IN AND HAVE

DONE SO SOLELY FOR THE PURPOSE OF RETALIATING AGAINST PLAINTIFF.

16. DEFENDANTS SANDOVAL, MAXALT, CEGAN SKE AND  
DZURENDA ARE BEING SUED IN THIS COUNT IN THEIR  
OFFICIAL CAPACITIES AS THEY APPROVED THE REGULATIONS  
AS THE BOPC. THE REMAINING DEFENDANTS IDENTIFIED  
IN THIS COUNT ARE BEING SUED IN THEIR INDIVIDUAL  
CAPACITIES AS THEIR ACTIONS SERVED NO PENOLOGICAL  
PURPOSE OTHER THAN TO CHILL PLAINTIFF'S EFFORTS TO  
ADDRESS OF GRIEVANCES.

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outline).

- a) Defendants: SANDIE, LEGRAND, SANDOVAL
- b) Name of court and docket number: 11TH JUD. DIST. CT.; PI 14-0901
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):  
PENDING
- d) Issues raised: CIVIL RIGHTS CLAIMS FOR MEDICAL, PROPERTY  
AND RETALIATION.
- e) Approximate date it was filed: 1/14/14
- f) Approximate date of disposition: PENDING

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_

c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.

d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: \_\_\_\_\_

b) Name of court and case number: \_\_\_\_\_

c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.

d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_\_\_ disciplinary hearing; (2) \_\_\_\_\_ state or federal court decision; (3) \_\_\_\_\_ state or federal law or regulation; (4) \_\_\_\_\_ parole board decision; or (5) \_\_\_\_\_ other \_\_\_\_\_.

If your answer is "Yes", provide the following information. Grievance Number \_\_\_\_\_

2006-30-48114; 2006-30-49661; AND, 2006-30-61501

Date and institution where grievance was filed \_\_\_\_\_

2006-30-48114 FILED ON 5/22/17 AT LCC

2006-30-49661 FILED ON 6/15/17 AT LCC

2006-30-61501 FILED ON 2/19/18 AT LCC

Response to grievance: ALL WERE DENIED.

.....  
**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

1. MONETARY DAMAGES IN THE AMOUNT OF ONE MILLION DOLLAR;
2. DECLARATORY JUDGMENT THAT AR 707 AND OP 722 ARE VAGUE AND DO NOT PROVIDE FAIR NOTICE IN VIOLATION OF PLAINTIFFS RIGHTS TO DUE PROCESS;
3. DECLARATORY JUDGMENT THAT THE POLICY OF EXCLUDING ADOC DOCUMENTS FROM LEGAL PHOTOCOPYING SERVES NO PEDAGOGICAL INTEREST;
4. PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF ENJOINING DEFENDANTS FROM FURTHER RETALIATORY ACTS, TO INCLUDE BUT NOT LIMITED TO FALSE (CONTINUED BELOW)

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

\_\_\_\_\_  
(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

Brian Kamechulo  
(Signature of Plaintiff)

NOVEMBER 14, 2018  
(Date)

.....  
(Additional space if needed; identify what is being continued)

- DISCIPLINARY CHARGES, INSTITUTIONAL TRANSFER, LEVEL REDUCTIONS, LOSS OF PREFERRED HOUSING, HARRASSMENT, ETC., ETC.;
5. ANY OTHER RELIEF THE TRIER OF FACT DEEM JUST AND REASONABLE.



**EXHIBIT**

**1**

**EXHIBIT**

**1**

LCC: #001

**AUTHORIZATION FOR LEGAL ASSISTANCE BY INMATES**

In accordance to AR 722.04 "INMATE ACCESS TO THE JUDICIAL SYSTEM"

I, Inmate BRIAN KAMEDULA # 24627, authorize Inmate JOSEPH ANDERSON # 62253, to have my legal work in his possession to assist me with litigating my case.

AR 722.04.8 Inmates may assist each other in the preparation of legal documents and may act as counsel substitutes under departmental policies.

A. Inmates may not receive compensation for legal assistance at any time.

AR 722.04.9 Legal opinions, books, papers, and forms used by one Inmate to assist another be in possession of the inmate giving assistance, with the written permission of the owner.

AR 722.04.10 When an inmate other than an inmate library assistant is helping another inmate, all papers must be returned when either inmate is released; when either inmate is transferred to another institution; or when administrative action such as placement in disciplinary segregation prevents direct communication between the two inmates. The only exception is if the inmates are active co-defendants or co-plaintiffs on a current case being litigated.

The following case material

KAMEDULA v. HULTEN-SCHMIDT, et al., PI 14-0901 TO INCLUDE ANY AND ALL DOCUMENTS, EXHIBITS, OR PAPERS RELATING TO THE CASE

were given to Inmate ANDERSON, J # 62253, on this 6TH day of JANUARY, 2017, for the purpose of him assisting me with my case. Inmate ANDERSON, J # 62253, currently lives in Unit 604 Cell # 196 and does work in the law library as an assistant.

Brian Kamedula # 24627 Dated JANUARY 6TH, 2017  
Inmate's signature giving permission

Joseph M. Anderson # 62253  
Inmate's signature in possession of legal work

I received my case material back on this 12TH day of MAY, 2017.

Brian Kamedula # 24627  
Signature verifying return of case material

Cc: Law Library Supervisor

**\*\* PER OP 722 A COPY MUST BE PROVIDED TO THE LAW LIBRARY SUPERVISOR**

# **EXHIBIT 2**

# **EXHIBIT 2**

#001

LCC:

Case 3:18-cv-00544-MMD-CLB Document 1-1 Filed 11/14/18 Page 47 of 47  
This is the report authorizing you  
have given for ~~OP~~ 722 This should  
have been turned in before May 18, 17  
Zel

**AUTHORIZATION FOR LEGAL ASSISTANCE BY INMATES**

In accordance to AR 722.04 "INMATE ACCESS TO THE JUDICIAL SYSTEM"

I, Inmate Anderson, Joseph M # 62253, authorize Inmate  
Brian Kamedula # 24627, to have my legal work in his possession to assist me with  
litigating my case.

AR 722.04.8 Inmates may assist each other in the preparation of legal documents and may act  
as counsel substitutes under departmental policies.

A. Inmates may not receive compensation for legal assistance at any time.

AR 722.04.9 Legal opinions, books, papers, and forms used by one Inmate to assist another  
be in possession of the Inmate giving assistance, with the written permission  
of the owner.

AR 722.04.10 When an inmate other than an inmate library assistant is helping another inmate,  
all papers must be returned when either inmate is released; when either inmate  
is transferred to another institution; or when administrative action such as placement  
in disciplinary segregation prevents direct communication between the two inmates.  
The only exception is if the inmates are active co-defendants or co-plaintiffs on a  
current case being litigated.

The following case material

Any and all documents, pleadings, discovery, and other papers relating  
to my case 3:16-cv-00544-RCS-WGC  
Anderson v. State of Nevada

were given to Inmate Kamedula # 24627, on this 9th day of April, 2017, for the  
purpose of him assisting me with my case. Inmate Kamedula # 24627, currently lives in  
Unit 6A Cell# 3A and does/does not work in the law library as an assistant.

Joseph M. Anderson # 62253 Dated April 9, 2017  
Inmate's signature giving permission

Brian Kamedula # 24627  
Inmate's signature in possession of legal work

RECEIVED

MAY 18 2017

LCC LAW LIBRARY

I received my case material back on this 17 day of May, 2017.

Joseph M. Anderson # 62253  
Signature verifying return of case material

Cc: Law Library Supervisor

**\*\* PER OP 722 A COPY MUST BE PROVIDED TO THE LAW LIBRARY SUPERVISOR**

orig:  
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LCC LL FORM 34-007